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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Case No: 13-11384
an filed in this case. h replaces the onfirmed Plan dated November 15, 2013.
dified Plan Confirming Hearing: 1:30 PM, January 9, 2014 n Confirmation Hearing: Judge Kenney's Courtroom III, U.S. Bankruptcy Courton St, Alexandria, VA 223

The Plan provisions modified by this filing are: Plan payment has been increased. Creditors affected by this modification are: None adversely affected.

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$540,206.48

Total Non-Priority Unsecured Debt: \$194,941.13

Total Priority Debt: \$17,016.00 Total Secured Debt: \$558,952.75

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- 1. Funding of Plan. To date the Debtors have paid the sum of \$5,866.25 into the Amended Plan. Debtors propose to pay the trustee the sum of \$750.31 Monthly for the remaining 51 months of the Plan, for a total to be paid into the Plan of \$44,132.00. Other payments to the Trustee are as follows: NONE. The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ 0.00 balance due of the total fee of \$ 2,948.80 concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment and Term
Internal Revenue Service	Secured-Taxes and certain	5,239.55	Prorata
internal November Co. Tree	other debts	•	53 months
Internal Revenue Service	Taxes and certain other debts	15,506.10	Prorata
mionia itavana aariia			53 months
VA Department of Taxation	Taxes and certain other debts	14,443.60	Prorata
VA Department of Taxadon	Taxob and bonding only about	•	53 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u>

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

Creditor Collateral Description Estimated Value Estimated Total Claim

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C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor

Collateral Description

Adeq. Protection Monthly Payment

To Be Paid By

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Creditor

Collateral

Approx. Bal. of Debt or "Crammed Down" Value

Interest Rate

Monthly Paymt & Est. Term**

-NONE-

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 2 %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately 0 %.
- B. Separately classified unsecured claims.

Creditor -NONE-

Basis for Classification

Treatment

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

Condition	Colletown	Regular Contract	Estimated Arrearage	Arrearage Interest	Estimated Cure Period	Monthly Arrearage
Creditor BB&T	Collateral Property, residence of the Debtors and their family, located at 6849 Lochmere Drive, Manassas, VA 20112, held as joint tenants by the entireties. Market value is as per appraisal.	Payment 1,793.47	2,280.62	<u>Rate</u> 0%	0 months	Payment N/A
Freedom United Federal Credit	Property located at 752 Beaver Street, Rochester, PA, owned jointly with Mr. Magestro's sister,subject to life estate of father Richard D. Magestro, Sr., Property is residence of Debtor's father, Debtor's father makes mortgage payments.	320.00	0.00	0%	0 months	N/A
Wells Fargo Financial	2008 Toyota Tundra pick up, 70,000 miles, in good condition	406.00	0.00	0%	0 months	N/A

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

	Regular Contract	Estimated	Interest	Term for	Monthly Arrearage
Creditor Collateral	Payment	Arrearage	Rate	Arrearage	Payment

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

Creditor	Collateral	Interest <u>Rate</u>	Estimated Claim	Monthly Paymt& Est. Term**
-NONE-		Kate	CIGHH	

- 6. Unexpired Leases and Executory Contracts. The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

Creditor -NONE- Type of Contract

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Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory В. contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated

Creditor -NONE-	Type of Contract	Arrearage	Monthly Payment for Arrears	Estimated Cure Period
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- Liens Which Debtor(s) Seek to Avoid. 7.
 - The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following A. judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor	Collateral	Exemption Amount	Value of Collateral
-NONE-			

В.	will file and serve separate pleadings to	s on grounds other than 11 U.S.C. § 522(1) avoid the following liens or security interest ich pleadings as to the requirements for opposite	s. The creditor should review
Creditor BB&T	Type of Lien Second Mortgage	Description of Collateral Property, residence of the Debtors and their family, located at 6849 Lochmere Drive, Manassas, VA 20112, held as joint tenants by the entireties. Market value is as per appraisal.	Basis for Avoidance The debt listed in Debtors' schedules in favor of BB&T Bank is the second deed of trust on Debtors' residence. Debtors indicate there is no equity in the real estate to which the second deed of trust could be secured.

- Treatment and Payment of Claims. 8.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. 9. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- Incurrence of indebtedness. The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total 10. of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- Other provisions of this plan: 11.

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Signatures:			
Dated: Jan	uary 29, 2014		
/s/ Richard D I	Magestro		/s/ Gary B. Fuller, Esq.
Richard D Mag	gestro		Gary B. Fuller, Esq. 42132
Debtor			Debtor's Attorney
/s/ Gloria E Ma			
Gloria E Mage Joint Debtor	estro		
Exhibits:	Copy of Debtor(s)' I Matrix of Parties So	Budget (Schedules I and J); erved with Plan	
		Certificate of Servi	ice
I certify that on List.	January 29, 2014		the creditors and parties in interest on the attached Service
		Isl Gary B. Fuller, Esq.	
		Gary B. Fuller, Esq. 42132	
		Signature	
		2740 Chain Bridge Road	
		Vienna, VA 22181	
		Address	
		703-938-5100	
		Telephone No.	

Ver. 09/17/09 [effective 12/01/09]

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B6I (Official Form 6I) (12/07)					
	Richard D Magestro				
In re	Gloria E Magestro				

Case	No.
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13-11384

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS (OF DEBTO	R AND SPO	USE		7
Joseph Marian States	RELATIONSHIP(S): AGE(S):					
Married	Daughter		15			
	Son		17			
Employment:	DEBTOR			SPOUSE		
	lass contractor		unts Payal			
Name of Employer S	elf Employed-Steel City Glass		r Security			
	1 years	7 year				
	4843 Farm Creek Dr.			Or., Suite 250		
	/oodbridge, VA 22191	Warre	endale, PA			
INCOME: (Estimate of average or pre	ojected monthly income at time case filed)			DEBTOR		SPOUSE
	ommissions (Prorate if not paid monthly)		\$	0.00	<u>\$</u> _	3,436.26
2. Estimate monthly overtime			\$	0.00	\$ _	0.00
3. SUBTOTAL			\$	0.00	\$	3,436.26
3. SUBTOTAL				0.00		0,100.20
4. LESS PAYROLL DEDUCTIONS						
 a. Payroll taxes and social securi 	ity		\$	0.00	\$_	626.08
b. Insurance			\$	0.00	\$_	350.30
c. Union dues			\$	0.00	\$_	0.00
d. Other (Specify) See D	etailed Income Attachment		\$	0.00	\$ _	421.82
5. SUBTOTAL OF PAYROLL DEDU	UCTIONS		\$	0.00	\$_	1,398.20
6. TOTAL NET MONTHLY TAKE H	HOME PAY		\$	0.00	\$_	2,038.06
7. Becular income from eneration of l	ousiness or profession or farm (Attach detailed state	ement)	\$	3,855.00	\$	0.00
8. Income from real property	Justiness of profession of faith (Attach detailed state	omicint)	<u> </u>	0.00	<u> </u>	0.00
9. Interest and dividends			<u> </u>	0.00	<u> </u>	0.00
	payments payable to the debtor for the debtor's use	or that of	, " —	0.00	Ψ-	0.00
dependents listed above	• • • • •	or mar or	\$	0.00	\$_	0.00
11. Social security or government assi	istance		•	0.00	\$	0.00
(Specify):			<u>«</u> —	0.00	<u> </u>	0.00
12. Pension or retirement income			<u> </u>	0.00	<u>°</u> –	0.00
			<u> </u>	0.00	Ψ-	
13. Other monthly income			•	0.00	\$	0.00
(Specify):			<u> </u>	0.00	\$ -	0.00
			Ψ—	0.00	Ψ-	
14. SUBTOTAL OF LINES 7 THRO	UGH 13		\$	3,855.00	\$_	0.00
15. AVERAGE MONTHLY INCOM	E (Add amounts shown on lines 6 and 14)		\$	3,855.00	\$_	2,038.06
16. COMBINED AVERAGE MONT	HLY INCOME: (Combine column totals from line	15)		\$	5,89	3.06

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

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B61 (Official Form 61) (12/07)

Richard D Magestro In re Gloria E Magestro		Case No.	13-11384	
		Debtor(s)		

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

Detailed Income Attachment

Other Payroll Deductions:

\$ 0.00	\$_	189.02
 0.00	\$ _	136.96
\$ 0.00	\$_	83.38
\$ 0.00	\$ _	4.98
\$ 0.00	\$ _	7.48
 0.00	\$	421.82
 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	\$ 0.00 \$ 0.00 \$ 0.00 \$ 0.00	\$ 0.00 \$ \$ 0.00 \$ \$ 0.00 \$ \$ 0.00 \$ \$ 0.00 \$ \$ 0.00 \$ \$ 0.00 \$ \$ 0.00 \$ \$ 0.00 \$ \$ \$ 0.00 \$ \$ \$ \$

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B6J (Of	ficial Form 6J) (12/07)		
•	Richard D Magestro		
In re	Gloria E Magestro		•
		Debter(a)	

Case No. 1

13-11384

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Comple expenditures labeled "Spouse."	te a separate	e schedule of
1. Rent or home mortgage payment (include lot rented for mobile home)	\$	1,793.47
a. Are real estate taxes included? Yes X No No No		
b. Is property insurance included? Yes X No	_	050.00
2. Utilities: a. Electricity and heating fuel	\$	250.00
b. Water and sewer	\$	80.00
c. Telephone	\$	150.00 225.00
d. Other Cell phones	\$	100.00
3. Home maintenance (repairs and upkeep)	\$ ——	620.00
4. Food	<u>\$</u> ——	75.00
5. Clothing	\$	30.00
6. Laundry and dry cleaning	ф ——	50.00
7. Medical and dental expenses	\$	425.00
8. Transportation (not including car payments)	\$	50.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$ ——	15.00
10. Charitable contributions 11. Insurance (not deducted from wages or included in home mortgage payments)	Ψ	
a. Homeowner's or renter's	\$	0.00
b. Life	\$	0.00
c. Health	\$	0.00
d. Auto	\$	350.00
e. Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments)	,	
(Specify) See Detailed Expense Attachment	\$	523.12
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the		
plan)		
a. Auto	\$	406.00
b. Other	\$	0.00
c. Other	\$	0.00
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other	\$	0.00
Other	\$	0.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$	5,142.59
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:		
20. STATEMENT OF MONTHLY NET INCOME		E 000 00
a. Average monthly income from Line 15 of Schedule I	\$	5,893.06
b. Average monthly expenses from Line 18 above	\$	5,142.59
c. Monthly net income (a. minus b.)	\$	750.47

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B6J (Off	icial Form 6J) (12/07)				
In re	Richard D Magestro Gloria E Magestro		Case No.	13-11384	
111 10	GIOTIA E IMAGESTIO				_
		Debtor(s)			

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) Detailed Expense Attachment

Specific	Tax	Expenditures:

Personal property tax	\$ 36.42
Taxes from business income	\$ 486.70
Total Tax Expenditures	\$ 523.12

MAILING MATRIX

U. S. Department of Justice Office of the U.S. Trustee 115 South Union Street, Suite 210 Alexandria, Virginia 22314

Thomas P. Gorman, Chapter 13 Trustee 300 N. Washington St., Suite 400 Alexandria, VA 22314

Internal Revenue Service Centralized Insolvency Operation P.O. Box 7346 Philadelphia, PA 19101-7346

Richard D. and Gloria E. Magestro 6849 Lochmere Dr. Manassas, VA 20112

Gardner Glass P.O. Box 602656 Charlotte, NC 28260-0000

Internal Revenue Service P.O. Box 970024 Saint Louis, MO 63197-0024

Internal Revenue Service P.O. Box 30396 Mail Stop 822 Memphis, TN 38130-0000

Receivable Management 7206 Hull Street Rd Ste North Chesterfield, VA 23235-0000 VA Department of Taxation P.O. Box 26626 Richmond, VA 23261-0000

Wells Fargo Financial Dealer Services P.O. Box 3569 Rancho Cucamonga, CA 91729-0000

AGM Carolina 1031 E. Springfield Rd High Point, NC 27263-0000

American Collections E 205 S Whiting St Ste 500 Alexandria, VA 22304-0000

BB&T P.O. Box 1847 Wilson, NC 27894-0000

Cap One 26525 N Riverwoods Blvd Mettawa, IL 60045-0000

Coll Svc Ctr 2121 Noblestown Rd Pittsburgh, PA 15205-0000

CR Laurence 1511 Lancer Dr. Moorestown, NJ 08057-0000 Credit One Bank Po Box 98873 Las Vegas, NV 89193-0000

Farm Creek Partnership 14843 Farm Creek Dr. Woodbridge, VA 22191-0000

Freedom United Federal Credit c/o Biagio Pagani P.O. Box 225 Rochester, PA 15074-0000